

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DARREL WAYNE VANDERGRIFF,

Plaintiff,

v.

LYNNE DELANO *et al.*,

Defendants.

Case No. C06-5381RBL

ORDER DECLINING TO CONSIDER
PLAINTIFF'S MOTION TO COMPEL

This action, brought under 42 U.S.C. 2000, has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. § 636(b)(1)(B). The plaintiff has been granted leave to proceed *in forma pauperis*. On May 21, 2007 plaintiff filed a motion to compel (Dkt. # 56). Ten days later, On May 31, 2007 plaintiff filed a notice of appeal from an order denying him summary judgment (Dkt. # 57).

Plaintiff's appeal divests this court of jurisdiction to consider motions at this time. Plaintiff may re-note his motion after the appeal has been concluded.

The clerks office is directed to send plaintiff and counsel for defendants a copy of this Order.

DATED this 18 day of June, 2007.

/S/ J. Kelley Arnold

J. Kelley Arnold

United States Magistrate Judge